

Jun 12, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

BETSY DeVOS, in her official
capacity as Secretary of the United
States Department of Education, and
UNITED STATES DEPARTMENT
OF EDUCATION, a federal agency,

Defendants.

NO: 2:20-CV-0182-TOR

ORDER DENYING AMICI CURIAE
BRIEF

BEFORE THE COURT is the 16 Counties and Cities' Motion for Leave to
File Brief of Amici Curiae. ECF No. 26. This matter was submitted for
consideration without oral argument. The Court has reviewed the briefing and the
record and files herein and is fully informed.

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DISCUSSION

The Court has broad discretion to grant or refuse a prospective amicus participation. *See Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds by Sandin v. Conner*, 515 U.S. 472 (1995). Amicus may be either impartial individuals or interested parties. *See Funbus Sys., Inc. v. Cal. Pub. Utils. Comm’n*, 801 F.2d 1120, 1125 (9th Cir. 1986). In deciding whether to grant leave to file an amicus brief, courts should consider whether the briefing “supplement[s] the efforts of counsel, and draw[s] the court’s attention to law that escaped consideration.” *Miller-Wohl Co., Inc. v. Comm’r of Labor & Indus. Mont.*, 694 F.2d 203, 204 (9th Cir. 1982). “An amicus brief should normally be allowed when . . . the amicus has an interest in some other case that may be affected by the decision in the present case, or when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide. . . . Otherwise, leave to file an amicus curiae brief should be denied.” *Cnty. Ass’n for Restoration of Env’t (CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999) (internal citations omitted).

Prospective amici’s brief offers no additional legal or other substantive information or perspective that has not already been represented to the Court in this

1 litigation or that is particularly helpful to this Court's pending determination.

2 Therefore, the motion for leave to file an amici brief is **DENIED**.


3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 16 Counties and Cities' Motion for Leave to File Brief of Amici Curiae,
5 ECF No. 26, is **DENIED**.

6 The District Court Executive is hereby directed to enter this Order and
7 provide copies to counsel and counsel for the proposed amici parties.

8 **DATED** June 12, 2020.




THOMAS O. RICE
Chief United States District Judge